

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RUSH RESIDENTIAL, INC., a Washington state  
corporation,

Plaintiff,

v.

PHILADELPHIA INDEMNITY INSURANCE  
COMPANY dba PHILADELPHIA INSURANCE  
COMPANIES,

Defendant.

CASE NO. 21-CV-05350-JLR-DWC

STIPULATION AND ORDER RE:  
PLAINTIFF'S LEAVE TO  
AMEND FIRST AMENDED  
COMPLAINT

**I. STIPULATION**

Pursuant to Federal Rule of Civil Procedure 15(a) and (d). Rush Residential, Inc.  
("Plaintiff") and Philadelphia Indemnity Insurance Company ("Defendant"), hereby stipulate  
to Plaintiff's leave to file its Second Amended Complaint for Damages & Declaratory Relief  
attached hereto as **Exhibit A**.

## II. AUTHORITY FOR STIPULATION

Federal Rule of Civil Procedure 15(a) provides that, after an initial period for amendments as a matter of right, pleadings may be amended only *with the opposing party's written consent* or by leave of the court. Fed. R. Civ. P. 15(a). Further, "the court should freely give leave [to amend pleadings] when justice so requires." Fed. R. Civ. P. 15(a)(2). Federal policy favors freely allowing amendment so that cases may be decided on their merits, and in the Ninth Circuit, Rule 15(a)(2) is interpreted and applied with "extreme liberality." *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). Plaintiff and Defendant further stipulation that the Defendant's Answer to Plaintiff's Second Amended Complaint shall be due 14 days from the date this stipulation is filed with the Court.

RESPECTFULLY SUBMITTED this 20<sup>th</sup> day of April, 2022.

SMITH ALLING, P.S.

By /s/Chad E. Ahrens

Chad E. Ahrens, WSBA #36149  
1501 Dock St  
Tacoma, WA 98402  
(253) 627-1091  
[chad@smithalling.com](mailto:chad@smithalling.com)  
Attorneys for Plaintiff, Rush Residential, Inc.

GORDON & POLSCER, L.L.C.

By /s/Brian C. Hickman

Brian C. Hickman, WSBA #50089  
9020 SW Washington Square Rd., Suite 560  
Tigard, OR 97223  
(503) 242-2922  
[bhickman@gordon-polscer.com](mailto:bhickman@gordon-polscer.com)  
Attorneys for Defendant, Philadelphia Indemnity Insurance Company

1 It is so ORDERED. Plaintiff is directed to file the Second Amended Complaint on or  
2 before April 26, 2022. Defendant's Answer to Plaintiff's Second Amended Complaint shall  
3 be filed fourteen (14) days from the date the Second Amended Complaint is filed.

4 DATED this 22nd day of April, 2022.

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7 David W. Christel  
8 United States Magistrate Judge  
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